

CA-03-12-95-SO-002 M/C 629825 Account # 32200
A. G. Contract No. KR94 2230TRN
ECS File: JPA 94-151
Project: Scenic Byway Interim Fund
Section: SR-88 Apache Trail
TRACS No.: H3938 01C
FY 1994-95 Item #707

AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE TONTO NATIONAL FOREST

THIS AGREEMENT is entered into 24 October, 1994, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, TONTO NATIONAL FOREST, acting by and through its Contracting Officer (the "Forest Service").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Forest Service is empowered by Title 16 United States Code 532-538 and United States Code 572 Ref: FSM 15184.13 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Forest Service.

3. The Intermodal Surface Transportation Efficiency Act of 1991 includes provisions for a Scenic Byway Interim Fund which established a program which provides State administered funds to be used for the development and maintenance of scenic byways and related projects. The Forest Service has been allocated \$206,400.00, with a \$51,600.00 State match for such projects.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>19074</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10/24/94</u>
<u>Richard H. Honea</u> Secretary of State
By <u>Vicky Graenewald</u>

II. SCOPE OF WORK

1. The Forest Service will:

a. Design and construct a traffic turnout, a wheel chair accessible restroom facility and interpretive trail, and a parking area at the SR-88 Fish Creek Riparian Area vista.

b. Design and construct interpretive signing on SR-88 which will interpret the geology, wildlife of the desert and the benefits to the human population along the Salt River at the Canyon Lake overlook, Tortilla Flat site, Reavis Ranch and Apache Lake vista.

e. No more often than monthly, invoice the ADOT for the reasonable direct actual costs incurred on the projects, in a total amount not to exceed \$258,000.00.

2. The State will:

Reimburse the Forest Service within 30 days after receipt and approval of invoices, in a total amount not to exceed \$258,000.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said projects and reimbursements; provided, however, that this agreement, may be cancelled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State. The period of performance shall be one (1) year from the date of the execution of this agreement.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. Applicable laws and regulations of the State and the Federal Government shall govern the rights of the parties with respect to the performance of this agreement. The parties hereto shall select a process for the resolution of claims or disputes relating to this agreement, compliant with applicable laws and regulations of the State and the Federal Government, and acceptable to the State and the Federal Government.

6. No member of, or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefits that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

U.S. Forest Service
Tonto National Forest
ATTN: Dennis Ray
P.O. Box 649
Roosevelt, AZ 85545

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

U.S. DEPARTMENT OF AGRICULTURAL
Forest Service

STATE OF ARIZONA
Department of Transportation

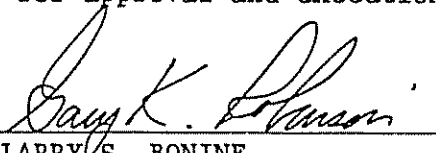
By *Judith A. Miller*
for Forest Supervisor
Tonto National Forest
4 October 1994

By *Robert P. Mickelson*
ROBERT P. MICKELSON
Chief Deputy State Engineer

RESOLUTION

BE IT RESOLVED on this 6th day of September 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the US Forest Service, Tonto National Forest for the purpose of defining responsibilities for the design and construction of Scenic Byway improvements to SR-88 (Apache Trail).

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

for: 
LARRY S. BONINE
Director

DETERMINATION

Arizona Contract No. JPA 94-151, which is an agreement between public agencies; to wit; the STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, TONTO NATIONAL FOREST has been reviewed by the undersigned for the United States who has determined that it is in the proper form and within the powers and authority granted to the United States.

No opinion is expressed as to the authority of the State of Arizona to enter into said agreement.

DATED this 4th day of October, 1994.

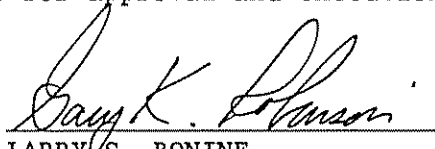
THE UNITED STATES OF AMERICA

By Justin A. Miller

RESOLUTION

BE IT RESOLVED on this 6th day of September 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the US Forest Service, Tonto National Forest for the purpose of defining responsibilities for the design and construction of Scenic Byway improvements to SR-88 (Apache Trail).

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

for: 
LARRY S. BONINE
Director



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR94-2230-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18th day of October, 1994.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8661G